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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations.

(Wheatland, Wyoming)

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MAY - 5 2005

Federal Communications Commission  
Office of Secretary

MB Docket No. 05-98  
RM-11187

TO: Secretary, Federal Communications Commission  
Attn: Media Bureau, Audio Division Allocations Branch

COUNTERPROPOSAL

Kona Coast Radio, LLC ("Kona"), permittee of KVAN(FM), Rock River, Wyoming, files this Counterproposal in response to the Notice of Proposed Rulemaking released March 14, 2005. Specifically, Kona proposes a number of channel substitutions which would ultimately benefit the public interest by allowing nearly an 800% population increase within the 1 mV/m contour of KVAN(FM), Rock River, Wyoming, by the substitution of Channel 242C1 for 240A in Rock River.

In order to accommodate the proposed upgrade of KVAN(FM), Rock River, Wyoming from Channel 240A to 242C1, two channel substitutions are needed. Kona proposes the substitution of Channel 247A for 298A in Wheatland, Wyoming and the substitution of Channel 299C for 242C in Lusk, Wyoming.

As more particularly set forth in the attached Technical Statement, 242C1 can be allocated to Rock River, Wyoming with a site restriction of 31.2 km northwest of Rock River. The proposed allotment point is 41° 59' 31" N, 106° 08' 39" W. Channel 242C1 meets all the spacing requirements, except for the vacant allotment of Channel 242C at Lusk, Wyoming. In order to eliminate the short spacing to the Lusk allotment, Kona is proposing the substitution of Channel

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299C for Channel 242C in Lusk, Wyoming. The proposal to allocate Channel 299C in Lusk at the proposed site of 42° 47' 11" N, 103° 45' 09" W meets all separation requirements and will provide the requisite coverage of Lusk. Separation requirements of Rule 73.207 are met, with the exception of the proposed allotment of Channel 298A at Wheatland, Wyoming, which is addressed by Kona's proposal to substitute Channel 247A. The separation study also shows short spacing to the licensed facility of KRVK, Midwest, Wyoming, operating on Channel 300C. However, KRVK has a pending application for a one step downgrade from a Class C to a Class C1 (see BPH-20030602ACU). The proposed one step downgrade of KRVK, Midwest, Wyoming, allows for the substitution of Channel 299C at Lusk, Wyoming, as proposed in this Counterproposal.<sup>1</sup>

The public interest is served by this Counterproposal, which will result in the upgrade of Channel KVAN(FM), Rock River, Wyoming from 240A to 242C1 with a commensurate increase in service. The proposed 60 dBu primary contour for KVAN(FM) on Channel 242C1 will cover 2,886 persons, which is nearly an 800% increase from the current 363 people served in the current 1 mV contour.

WHEREFORE, Kona proposes the following change in the table of allotments:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Wheatland, WY	269A, 289A, 293C1	269A, 289A, 293C1, 247A
Rock River, WY	240A	242C1 <sup>2</sup>
Lusk, WY	242C	299C <sup>3</sup>

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<sup>1</sup> It should be noted that the original Petitioner, Mountain States Radio, Inc., proposing the allocation of Channel 242C, Lusk, Wyoming is under common ownership with Kona Coast Radio, LLC. Mountain States Radio, Inc has no objection to the substitution of Channel 249C for Channel 242C as proposed herein at Lusk, Wyoming.

<sup>2</sup> Site restriction 31.2 km northwest of Rock River, 41° 59' 31" N, 106° 08' 39" W.

<sup>3</sup> Site restriction 57.3 km east, 42° 47' 11" N, 103° 45' 09" W.

Kona will file a minor change one step upgrade on Channel 242C1 and will build out the facilities.

Respectfully submitted,

**KONA COAST RADIO, LLC**

GAMMON & GRANGE, P.C.  
8280 Greensboro Drive, 7th Floor  
McLean, VA 22102-3807  
(703) 761-5013

By \_\_\_\_\_  
A. Wray Fitch III  
Its FCC Counsel

May 5, 2005

## TECHNICAL STATEMENT

This technical statement is prepared on behalf of Kona Coast Radio, L.L.C. (“Kona”), in support of its counterproposal to the Proposed Rulemaking, MB Docket No. 05-98, RM-11187.

Mitchell Beranek (“Beranek”), the Petitioner in this matter, seeks to allot channel 298A to Wheatland, Wyoming as its fourth FM commercial broadcast service.

Kona is the Permittee for a new FM station, KVAN(FM), (BNPH-20050103AHZ, Facility ID 164207) to serve Rock River, Wyoming on channel 240A. Kona is seeking a one step upgrade on its 2<sup>nd</sup> adjacent channel, 242C1. In order to allow for this upgrade from a class A to a class C1, Kona is proposing the allotment of channel 247A in place of channel 298A at Wheatland, WY. This substitution is required to allow the substitution of channel 299C for the currently vacant and un-applied for allotment at Lusk, Wyoming on channel 242C. This substitution at Lusk will allow for the use of channel 242C1 at Rock River, Wyoming by KVAN.

Kona hereby counterproposes that the FM table of allotments, Section 73.202(b) be modified as follows:

Community	Present	Proposed
Wheatland, WY	269A, 289A, 293C1	269A, 289A, 293C1, 247A
Rock River, WY	240A	242C1
Lusk, WY	242C	299C

Figure 1 of this technical statement shows a channel spacing study which indicates that channel 242C1 can be allotted to Rock River, Wyoming with a site restriction of 31.2 kilometers northwest of the community of Rock River. This is within

the maximum of 50.0 kilometers to allot a class C1 channel to a community. This proposed allotment point is located at 41 – 59' – 31"N, 106 – 08' – 39"W. It also shows that channel 242C1 meets all of the requirements under the provisions of Section 73.207 of the commission's rules regarding spacing towards other stations, except for the vacant allotment of channel 242C at Lusk, Wyoming and the present construction permit for KVAN Rock River on channel 240A.

To eliminate the short spacing condition to the vacant allotment at Lusk, Wyoming, Kona is proposing to substitute channel 299C for channel 242C at Lusk. Figure 2 shows a channel spacing study conducted for channel 299C at the proposed coordinates of 42 – 47' – 11" N, 103 – 45' – 09" W. This point is located 57.3 kilometers east of the community of Lusk. Thus, a site restriction of 57.3 kilometers east will be required to allot channel 299C to Lusk. This is within the maximum of 67.7 kilometers to allot a class C to a community. The spacing study also shows that the proposed allotment at Lusk will meet all separation requirements under 73.207 of the commissions rules, except for the proposed new allotment of channel 298A at Wheatland, Wyoming, called for in this docket, and for the licensed facilities of KRVK Midwest, Wyoming operating on channel 300C.

It should be noted, that the original petitioner, Mountain States Radio, Inc., to allot channel 242C to Lusk, Wyoming, is under common ownership with Kona Coast Radio, LLC. Mountain States Radio, Inc., does not have any objection with the substitution of channel 299C for channel 242C at Lusk, Wyoming.

In regards to the short spacing condition with KRVK Midwest, KRVK has a pending application to one-step downgrade from a class C to a Class C1, BPH-

20030602ACU. That application is part of a three station minor change modification for KRVK Midwest, WY, KPAW Fort Collins, Colorado and KDZA-FM Pueblo, Colorado, all under common ownership, to allow for the one-step upgrade of KDZA Pueblo, Colorado from channel 300C1 to channel 300C0. The proposed one step downgrade of KRVK Midwest, will allow for the substitution of channel 299C at Lusk, Wyoming as proposed in this counterproposal.

In regards to the short spacing condition with the proposed allotment at Wheatland on channel 298A, Kona proposes to allot channel 247A to Wheatland in place of the proposed channel 298A proposed in this Docket, MB 05-98. Figure 3 is a channel spacing study for channel 247A conducted at the coordinates of 42 – 04' – 28" N, 104 – 56' – 51" W, which are the same reference coordinates for the community of Wheatland, Wyoming and they are the same proposed by the Petitioner for channel 298A in this Docket. The spacing study shows that channel 247A can be substituted for channel 298A at Wheatland, without site restriction, and meet all of the spacing requirements under 73.207 of the commission's rules.

Figure 4 shows the present and proposed contours for the upgraded operation of KVAN Rock River, Wyoming on channel 242C1. The proposed 60 dbu primary contour for KVAN will cover 2,886 persons, which is an increase of 2,523 persons from the current 60 dbu cover of just 363 persons within the 60 dbu contour.

In summary, Kona respectfully requests that commission except its counterproposal in Docket 05-98, RM-11187. The public interest benefits will be a better use of the proposed frequency spectrum, as no reduction in service is being proposed for any of the affected vacant allotments, but yet the first wide area service will

be provided for Rock River with the increase of the proposed facilities of KVAN currently proposed for operation on channel 240A, to the new proposed facilities on channel 242C1. KVAN is the only broadcast service currently allotted to the community of Rock River, Wyoming.

Kona is also planning to file an FCC form 301 application, minor change, to one-step upgrade on channel 242C1 shortly, contingent on the acceptance of this counterproposal.

Respectfully Submitted,



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Sole Member/Technical Consultant  
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Cheyenne, WY 82009  
307-778-9318

Channel 242C1, Rock River, WY, Allotment Point  
FIGURE 1

REFERENCE

41 59 31 N

106 08 39 W

CLASS = C1

Current Spacings

DISPLAY DATES

DATA 05-04-05

SEARCH 05-05-05

----- Channel 242 - 96.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
AL242	VAC 242C	Lusk	WY 163.53	57.8	270.0	-106.47
VA230	VAC 240A	Rock River	WY 31.37	153.2	75.0	-43.63
KVAN.C	CP 240A	Rock River	WY 37.03	148.8	75.0	-37.97
KSME	LIC 241C1	Greeley	CO 177.01	145.1	177.0	0.01
KMGW	LIC-N 244C2	Casper	WY 84.56	350.9	79.0	5.56
KIMX.C	CP -N 244C2	Laramie	WY 97.59	143.2	79.0	18.59
KIMX	LIC-N 244C2	Laramie	WY 97.75	143.3	79.0	18.75
KASS	LIC 295C	Casper	WY 84.58	350.9	41.0	43.58
KQSW	LIC 243C	Rock Springs	WY 255.11	256.8	209.0	46.11
KXPK	LIC 243C	Evergreen	CO 263.06	167.6	209.0	54.06



Channel 299C, Lusk, WY, Allotment Point  
FIGURE 2

REFERENCE  
42 47 11 N  
103 45 09 W

CLASS = C  
Current Spacings

DISPLAY DATES  
DATA 05-04-05  
SEARCH 05-05-05

----- Channel 299 - 107.7 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 298A	Wheatland	WY 126.19	231.5	165.0	-38.81
KRVK	LIC-N 300C	Midwest	WY 209.16	269.6	241.0	-31.84
AL300	VAC 300C1	Arthur	NE 209.09	127.7	209.0	0.09
KRVK.A	APP-N 300C1	Midwest	WY 209.12	269.6	209.0	0.12
KRVK	RSV 300C1	Midwest	WY 209.12	269.6	209.0	0.12
KRVK	RSV 300C1	Midwest	WY 209.16	269.6	209.0	0.16
KPAW.A	APP-Z 300C1	Fort Collins	CO 241.79	210.1	209.0	32.79
KPAW	LIC 300C1	Fort Collins	CO 253.97	203.3	209.0	44.97
KKAW	LIC-N 297C3	Albin	WY 146.38	190.9	96.0	50.38
KSLT	LIC 297C	Spearfish	SD 171.44	357.8	105.0	66.44

Channel 247A, Wheatland, WY, Allotment Point  
FIGURE 3

REFERENCE

42 04 28 N

104 56 51 W

CLASS = A

Current Spacings

DISPLAY DATES

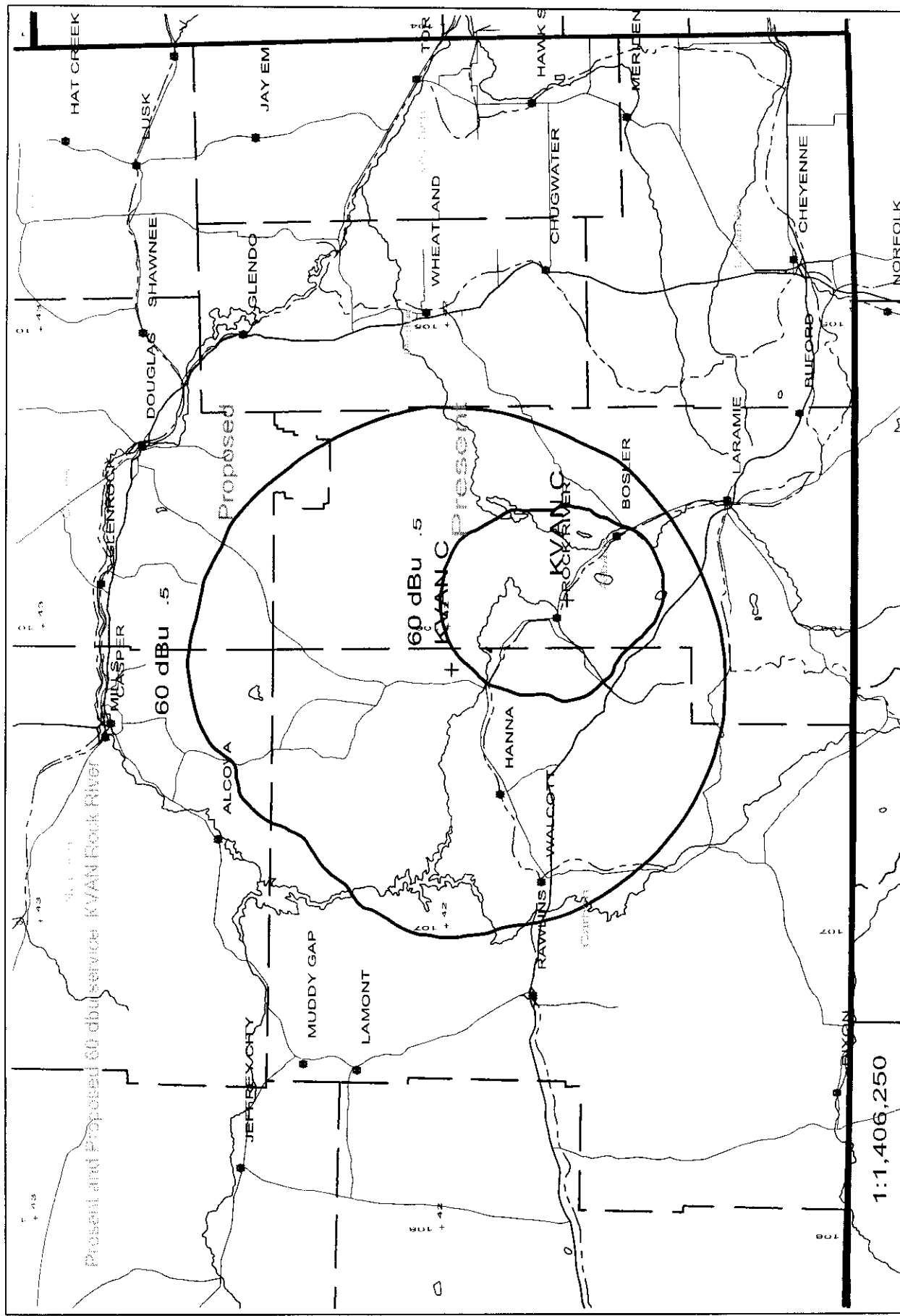
DATA 05-04-05

SEARCH 05-05-05

----- Channel 247 - 97.3 MHz -----

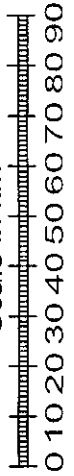
Call	Channel	Location	Dist	Azi	FCC	Margin
KBCOFM	LIC-D 247C	Boulder	CO 241.74	187.0	226.0	15.74
KQSK	LIC 248C1	Chadron	NE 164.20	67.0	133.0	31.20
KQLF	LIC 250C1	Cheyenne	WY 108.30	182.6	75.0	33.30
KCFM	LIC 245C1	Terrytown	NE 112.77	111.2	75.0	37.77
KIMX.C	CP -N 244C2	Laramie	WY 96.68	205.4	55.0	41.68
KIMX	LIC-N 244C2	Laramie	WY 96.93	205.4	55.0	41.93
RADD	ADD 246C1	Sinclair	WY 180.84	263.7	133.0	47.84
AL248	VAC 248A	Centennial	WY 121.34	226.4	72.0	49.34
KQLF.C	CP 250C1	Cheyenne	WY 132.59	189.0	75.0	57.59

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1:1,406,250

Scale in km



KVAN.C 240A 100kW 2362.16M AMSL

N. Lat. 41 59 31 W. Lng. 106 08 39

KVAN.C FIGURE 4


- 05/05

**CERTIFICATE OF SERVICE**

I, Millie Adams, in the law offices of Gammon & Grange, P.C., hereby certify that I have sent this 5th day of May, 2005, by first-class, postage prepaid, U.S. Mail, copies of the foregoing COUNTERPROPOSAL to the following:

Mr. Mitchell Beranek  
7607 Schrader Lane  
Cheyenne, WY 82009

Ms. Rolanda F. Smith  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 2-B422  
Washington, D.C. 20554

  
\_\_\_\_\_  
Millie Adams